

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JOHN HALPERN,

Plaintiff,

-against-

MATTHEW WHITE,

Defendant.

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14-cv-7702 (OTW)

ORDER

ONA T. WANG, United States Magistrate Judge:

The Court held a status conference in this matter on May 1, 2024. The transcript of the conference was filed on May 17, 2024. (ECF 116). Defendant Matthew White appeared by himself at the conference and represented that he was *pro se*. (ECF 116 at 2). At the conference, the Court directed Plaintiff's counsel to provide a copy of the transcript to Defendant and to Nonparty Deponent Tara Famiglietti (Defendant's wife) forthwith. *See* ECF 116 at 15, 19. The Court further directed Mr. White to provide contact information for himself and Ms. Famiglietti and to provide Ms. Famiglietti with a copy of the deposition subpoena, previously served on Ms. Famiglietti on or around February 19, 2024 (*see* ECF 113) at ECF 111-1. *See* ECF 116 at 18, 20.

As **ORDERED** on the record at the May 1, 2024 Conference:

- 1) Mr. White is directed to inform the Court, **by May 31, 2024**, whether he will be proceeding with counsel, or whether he will continue to proceed *pro se*. If Mr. White has obtained new counsel, his new counsel is directed to file a notice of

appearance on the docket **by May 31, 2024**. If Mr. White will be proceeding *pro se*, he is directed to file his current address on the docket and contact the Pro Se Intake Unit **by May 31, 2024**. (ECF 116 at 10, 13).

- 2) Ms. Famiglietti is directed to inform the Court, **by May 31, 2024**, whether she will be proceeding with counsel, or whether she will be proceeding *pro se*. If Ms. Famiglietti has obtained counsel, her counsel is directed to file a notice of appearance on the docket **by May 31, 2024**. If Ms. Famiglietti will be proceeding *pro se*, she is directed to file her current address on the docket and to contact the Pro Se Intake Unit **by May 31, 2024**. (ECF 116 at 13).
- 3) Plaintiff is directed to file a letter **by June 5, 2024** indicating a date for Ms. Famiglietti's deposition. If the parties have been unable to agree to a date by June 5, 2024, Plaintiff is directed to inform the Court. (ECF 116 at 15).¹
- 4) Any responses to Plaintiff's June 5 letter must be filed by **June 7, 2024**, regardless of whether Ms. Famiglietti is represented by counsel. (ECF 116 at 15). **Ms. Famiglietti's failure to retain counsel will not be cause for delay in scheduling her deposition.** See ECF 116 at 10.

It has also come to the Court's attention that, although Mr. White represented at the conference that he is no longer represented by counsel in this action, *see* ECF 116 at 2, his counsel of record, Aaron M. Goldsmith, has not withdrawn from this case. In his most recent

¹ In light of ECF 115, Plaintiff's June 5 letter shall also detail any other difficulties with serving Mr. White and Ms. Famiglietti with any process in this case, as well as any interactions with Mr. White and Ms. Famiglietti's putative counsel. Plaintiff's June 5 letter shall also include a chart listing all proceedings to execute on the judgment against Mr. White, containing the names and contact information of all counsel representing Mr. White and Ms. Famiglietti in those proceedings.

filing on July 6, 2017 (ECF 107), Mr. Goldsmith requested that he be excused from attending the conference on July 19, 2017, “and any future appearances in this matter,” but did not request that he be permitted to withdraw as attorney for Mr. White in this action. Accordingly, Mr. Goldsmith is still counsel of record for Mr. White. **If Mr. Goldsmith wishes to withdraw as attorney for Mr. White, he must move to withdraw in accordance with Local Rule 1.4.** Mr. Goldsmith may file his affidavit under seal. He may not file his motion to withdraw under seal.

Plaintiff is directed to serve a copy of this Order on Mr. White, Ms. Famiglietti, and Mr. Goldsmith, and file proof of service on the docket FORTHWITH.

ANY VIOLATIONS OF THIS ORDER AND/OR FAILURE OF MS. FAMIGLIETTI TO ATTEND A SCHEDULED DEPOSITION WILL RESULT IN SANCTIONS PURSUANT TO FED. R. CIV. P. 16(F), FED. R. CIV. P. 37(B), 18 U.S.C. § 401, 28 U.S.C. § 1927 AND THE COURT’S INHERENT POWER.

SO ORDERED.

Dated: May 23, 2024
New York, New York

s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge